

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	Criminal No.	21cr10287
)		
v.)	Violation:	
)		
RUDY FRABIZIO,)	<u>Count One:</u> Possession of Child Pornography	
)	(18 U.S.C. §§ 2252A(a)(5)(B) and (b)(2))	
)		
Defendant)	<u>Forfeiture Allegation:</u>	
)	(18 U.S.C. § 2253)	
)		

INDICTMENT

COUNT ONE

Possession of Child Pornography
(18 U.S.C. §§ 2252A(a)(5)(B) and (b)(2))

The Grand Jury charges:

On or about May 19, 2021, in the District of Massachusetts, the defendant,

RUDY FRABIZIO,

knowingly possessed material that contained one and more images of child pornography, as defined in Title 18, United States Code, Section 2256(8), that involved a prepubescent minor and a minor who had not attained 12 years of age, and that had been mailed, and shipped and transported using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and that was produced using materials that had been mailed, and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and (b)(2).

CHILD PORNOGRAPHY/CHILD EXPLOITATION FORFEITURE ALLEGATION
(18 U.S.C. § 2253)

The Grand Jury further finds:

1. Upon conviction of the offense in violation of Title 18, United States Code, Section 2252A, set forth in Count One, the defendant,

RUDY FRABIZIO,

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 2253, (i) any visual depiction described in sections 2251, 2251A, 2252, 2252A, 2252B, or 2260 of Chapter 110 of Title 18, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped, or received in violation of Chapter 110 of Title 18; (ii) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offense; and (iii) any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property. The property to be forfeited includes, but is not limited to, the following:

a. One Kingston microSD memory card.

2. If any of the property described in Paragraph 1, above, as being forfeitable pursuant to Title 18, United States Code, Section 2253, as a result of any act or omission of the defendant—


- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States of America, pursuant to Title 18, United States Code, Section 2253(b), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property described in Paragraph 1 above.

All pursuant to Title 18, United States Code, Section 2253.

A TRUE BILL


FOREPERSON


ADAM W. DEITCH
ASSISTANT UNITED STATES ATTORNEY
DISTRICT OF MASSACHUSETTS

District of Massachusetts: SEPTEMBER 23, 2021
Returned into the District Court by the Grand Jurors and filed.

Lisa Belpedio at 3:47 pm
DEPUTY CLERK